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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/090,328

03/04/2002

Thomas J. Warnagiris

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06/16/2005

Ann C. Livingston
Baker Botts L.L.P.
2001 Ross Avenue
Dallas, TX 75201-2980

EXAMINER

TRAN, KHANH C

ART UNIT

PAPER NUMBER

2631

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/090,328	Applicant(s) WARNAGIRIS ET AL.	
	Examiner Khanh Tran	Art Unit 2631	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19 is/are allowed.
- 6) ☒ Claim(s) 1,4,10 and 13 is/are rejected.
- 7) ☒ Claim(s) 2,3,5-9,11,12 and 14-18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03/04/2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>04/23/2002</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 4, 10 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Litvin, Jr. et al. U.S. Patent 6,577,231 B2.

Regarding claim 1, Litvin invention is directed to an apparatus and method of clock synchronization of power line modem network for a plurality of devices. In column 4 line 60 via column 5 line 25, figure 4 illustrates a flow chart describing a method for synchronizing a power line network.

In figure 1, a power line network is provided that includes a plurality of devices with clocks and power line modems. In column 5, lines 25-40, each power line modem is operable for digital communication and communication between the plurality of devices over the power line network.

Litvin does not expressly teach communication between a plurality of devices using coherent modulation synchronized by an external frequency reference without using a modem-training interval. Litvin further teaches that a master device 34 as shown in figure 1 provides a synchronization message over the power line network to update their clock in accordance with a clock time provided in the synchronization message. Because the plurality of devices are

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synchronized over the power line network, it would have been obvious for one of ordinary skill in the art that communication over power line network can be modified to use coherent modulation in communication between devices.

Motivation is coherent modulation required for synchronization network. Litvin does not teach power line modem training interval. One of ordinary skill in the art would have recognized power line modem does not require training interval.

Regarding claim 4, Litvin does not teach the external reference is derived from a GPS direct sequence spread spectrum signal. In column 5, lines 5-15, Litvin further teaches that the time clock on the master device can be checked against external source, e.g. radio or satellite. In view of that, it would have been obvious for one of ordinary skill in the art that the master device can be modified to derive from a GPS direct sequence spread spectrum signal.

Regarding claim 10, claim 10 is rejected on the same ground as for claim 1 because of similar scope.

Regarding claim 13, claim 13 is rejected on the same ground as for claim 4 because of similar scope.

Allowable Subject Matter

2. Claims 2-3, 5-9, 11-12 and 14-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

3. Claim 19 is allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 19, claim 19 is allowed over prior art of record because the cited references, either singularly or in combination, does not teach or suggest “one Automatic Link Establishment (ALE) Controller adapted to establish a selected communications channel between the first modem and the second modem”.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ekemark et al. U.S. Patent 5,740,166 discloses “United Access Channel For Use In A mobile Communication System”.

Hao U.S. Patent 6,130,531 discloses “Phase Angle Measurement Method And System In Electric Power Systems”.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Tran whose telephone number is 571-272-3007. The examiner can normally be reached on Monday - Friday from 08:00 AM - 05:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad Ghayour can be reached on 571-272-3021. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KCT

Khanh cong Tran
KHANH TRAN

06/10/2005